

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Julian Wallace

Docket No. 5:21-CR-243-1M

Petition for Action on Supervised Release

COMES NOW John V. Chiamonte, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Julian Wallace, who, upon an earlier plea of guilty to Possession of a Firearm by a Convicted Felon, in violation of 18 U.S.C §§ 922 (g)(1) and 924, was sentenced by the Honorable Richard E. Myers II, Chief United States District Judge, on September 6, 2022, to the custody of the Bureau of Prisons for a term of 21 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

On January 12, 2024, Pursuant to 18 U.S.C. § 3582(c)(2), the imprisonment portion of the defendant's sentence was reduced from 21 months to 15 months.

Julian Wallace was released from custody on February 1, 2024, at which time the term of supervised release commenced.

On March 11, 2024, a violation report was submitted to the court after the defendant admitted to using marijuana on March 4, 2024. Supervision was continued to allow for further treatment.

On April 18, 2024, a violation report was submitted to the court after the defendant admitted to using marijuana on March 28, 2024. Supervision was continued to allow the subject to continue to receive treatment services.

On June 6, 2024, a violation report was submitted to the court after the defendant admitted to using marijuana on May 9, 2024. Supervision was continued to allow the subject to receive the full benefit from treatment services.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On July 17, 2024, the defendant tested positive for marijuana and on August 6, 2024, signed an admission form admitting to the use of marijuana on July 12, 2024. He is active in his treatment program and his clinician is supportive of the proposed plan to continue working toward sobriety.

Pursuant to 18 U.S.C. § 3583(d), the court shall consider whether the availability of appropriate substance abuse treatment programs, or a person's current or past participation in such programs, warrants an exception to 18 U.S.C. § 3583(g)(4) when considering any action against a defendant who fails a drug test while on supervised release. As Wallace is actively engaged in a treatment program, and considering 18 U.S.C. § 3583(d), the probation office respectfully recommends location monitoring so the defendant can be permitted to continue supervision in lieu of revocation at this time. Any subsequent substance use will be reported to the court.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

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1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Mindy L. Threlkeld
Mindy L. Threlkeld
Supervising U.S. Probation Officer

/s/ John V. Chiaramonte
John V. Chiaramonte
U.S. Probation Officer
150 Rowan Street Suite 110
Fayetteville, NC 28301
Phone: 910-354-2568
Executed On: August 6, 2024

ORDER OF THE COURT

Considered and ordered this 14th day of August, 2024, and ordered filed and
made a part of the records in the above case.

Richard E. Myers II
Richard E. Myers II
Chief U.S. District Judge